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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,101	02/15/2001	Philip D. Mooney	MOONEY 66-22	4481

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EXAMINER

BANGACHON, WILLIAM L

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 04/01/2004

/3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/783,101	MOONEY ET AL.	
	Examiner	Art Unit	
	William Bangachon	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12, 15, 18, 19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12, 15, 18, 19 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/23/04 has been entered.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's argument that "**modifying Suyama with an inductive charging system would result in Suyama having two charging systems for a single device, which is *nonsensical*"** (page 7, 4th paragraph), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). In this case, the examiner was not suggesting dual charging systems. Instead, the charging system of Suyama would be replaced with the inductive charging system of Fernandez. However, having two charging systems for a single device, as

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suggested by the applicant, would be beneficial in the system of Suyama, because if the inductive charger breaks down, then the user have a backup charger, ensuring that the rechargeable battery of Suyama gets charged. Therefore applicant's suggestion of having two charging systems for a single device, is sensical.

In response to applicant's argument that the references fail to show certain features of applicant's invention (page 7, 3rd and 5th paragraphs), it is noted that the features upon which applicant relies (i.e., "**vehicle ignition assembly**") are not recited in the rejected claim(s) 1-12, 15, 19, and 22. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the claims are broader than what applicant argues.

In response to applicant's argument that **there is no suggestion to combine the references** (page 7, 5th paragraph), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Suyama et al was relied upon to teach a key chain rechargeable device, as claimed. Fernandez was relied upon to teach inductive charging of said rechargeable device. It

would have been obvious to one of ordinary skill in the art to inductively charge the rechargeable battery of Suyama et al, as claimed, because this provides a user the ability to recharge the rechargeable battery without having to work with a wired connection, as taught by Fernandez. **The suggestion/motivation for doing so would have been: a) it does not require a user to connect plugs; b) does not require a user to locate a charging unit where it is plugged; c) provides the user the ability to quickly grab-n-go a key securing structure that has been charged.** Therefore, it would have been obvious to combine Suyama with Fernandez to obtain the invention as specified in claims 1-12, 15, 18-19, and 22.

In response to applicant's arguments against the references individually (paragraph bridging pages 7 and 8), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. Applicant's arguments with respect to claims 1-12, 15, 18-19, and 22, have been considered but are moot in view of the new ground(s) of rejection.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "vehicle ignition

assembly", as claimed in claim 18, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1-7, 9-10, 12, 15, 18-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,561,331 (Suyama et al) in view of USP 6,184,651 (Fernandez et al).

In claims 1 and 22, Suyama et al teach of a key chain rechargeable device (figures 1-13), comprising:

key securing structure {col. 2, lines 45-51; col. 4, lines 57-63; col. 9, lines 30-37; col. 10, lines 47-62};

an electronic device (2, 4, 12, 13, 23, 53, 56, 56a) associated with said key securing structure {paragraph bridging cols. 1 and 2; paragraph bridging cols. 4 and 5}; and

a rechargeable battery source (3) to power said electronic device (2, 4, 12, 13, 23, 53, 56, 56a) {col. 1, lines 43-51};

wherein said key chain rechargeable device (1, 11, 21, 51, 151, 251) is recharged from an external power source when a key (9, 63) associated with said key securing structure is inserted in a lock device {col. 1, line 26-col. 2, line 15; paragraph bridging cols. 7 and 8; col. 8, lines 20-25; col. 10, lines 15-21}.

Suyama et al does not disclose expressly inductive charging of a rechargeable device/battery. Fernandez et al teach that contact less inductive charging of portable

devices, including pagers, is desirable because it is a convenient way to recharge a portable device without having to work with a wired connection. It does not require a user to connect plugs, does not require a user to locate a charging unit where it is plugged, and provides the user the ability to quickly grab-n-go a unit that has been charged {Fernandez et al, col. 1, lines 13-33}. The systems of Suyama and Fernandez are analogous art because they are from same problem solving area, charging of portable devices. Obviously, inductively charging the rechargeable battery of Suyama et al, as taught by Fernandez is desirable.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to inductively charge the rechargeable battery of Suyama et al, as claimed, because this provides a user the ability to recharge the rechargeable battery without having to work with a wired connection. The suggestion/motivation for doing so would have been: a) it does not require a user to connect plugs; b) does not require a user to locate a charging unit where it is plugged; c) provides the user the ability to quickly grab-n-go a key securing structure that has been charged. Therefore, it would have been obvious to combine Suyama with Fernandez to obtain the invention as specified in claims 1 and 22.

In claim 2, the key chain rechargeable device according to claim 1, wherein: said key securing structure is a dummy key hole as shown in figures 1, 2, 6-7, 8B and 10 {Suyama et al}.

In claim 3, the key chain rechargeable device according to claim 1, further comprising: a charging circuit (2, 92) in said electronic device, said charging circuit (2, 92) adapted for electrical contact with a key secured by said key securing structure {Suyama et al, col. 1, lines 43-52}.

In claim 4, the key chain rechargeable device according to claim 3, wherein: said charging circuit (2) is permanently associated with said key chain rechargeable device as shown in figures 1, 11-13 {Suyama et al}.

In claim 5, the key chain rechargeable device according to claim 3, wherein: said charging circuit (92) is permanently associated with said lock (93) {Suyama et al, col. 6, lines 21-30}.

In claim 6, the key chain rechargeable device according to claim 1, wherein: said external power source is a vehicle's electrical system {Suyama et al, col. 1, lines 43-52}.

In claim 7, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a wireless RF device {Suyama et al, col. 5, lines 32-37; col. 7, lines 12-25}.

In claim 9, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a security alarm enable/disable device {Suyama et al, paragraph bridging cols. 6 and 7; col. 7, lines 34-42}.

In claim 10, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a keyless entry remote {Suyama et al, col. 4, lines 50-56; col. 8, line 64-col. 9, line 14}.

In claim 12, Suyama et al does not disclose "**said key chain rechargeable device is a pager**". Fernandez et al teach that contact less inductive charging of portable devices, including pagers, is desirable because it is a convenient way to recharge a portable device without having to work with a wired connection. It does not require a user to connect plugs, does not require a user to locate a charging unit where it is plugged, and provides the user the ability to quickly grab-n-go a unit that has been charged {col. 1, lines 13-33}. Obviously, charging a pager inductively is desirable in the system of Suyama et al because this provides a user to charge the pager without having to pull a plug and provides the user the ability to quickly use a pager that has been charged. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to charge a pager inductively in the system of Suyama et al because this provides a user to charge the pager without having to pull a plug and provides the user the ability to quickly use a pager that has been charged, as taught by Fernandez et al.

In claim 15, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is recharged from said external power source only when said key associated with said securing structure is inserted in said lock device {Suyama et al, col. 2, lines 52-62; paragraph bridging cols. 4 and 5}.

Claim 18 recites the limitations of claim 1 and therefore rejected for the same reasons, further comprising a "vehicle ignition assembly" {Suyama, col. 7, lines line 52-col. 8, line 4}.

Claim 19 recites a method of practicing the device of claim 1 and therefore rejected for the same reasons.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,561,331 (Suyama et al) in view of USP 6,184,651 (Fernandez et al) and further in view of USP 6,323,775 (Hansson).

In claim 8, Suyama et al does not disclose "**said key chain rechargeable device is a BLUETOOTH network device**". Hansson, in the same problem solving area (battery chargers), teach of notifying Bluetooth device users to charge the device when it is close to a charging unit for the device {col. 2, lines 1-18; col. 10, lines 60-65}. Hansson suggests that this is desirable to avoid getting a low battery notification when

the user is located away from the charging unit, such as while the user is traveling, and avoid depleting the battery in the device. {col. 2, lines 1-4}. Obviously, this feature is desirable in the system of Suyama et al because the rechargeable devices of Suyama et al would always be charged and ensure proper use of the devices. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to notify Bluetooth device users to charge the device when it is close to a charging unit for the device, to avoid depleting the battery in the device while the user is away from the charging unit.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,561,331 (Suyama et al) in view of USP 6,184,651 (Fernandez et al), and further in view of USP 3,855,534 (Holcomb et al).

In claim 11, Suyama et al does not disclose "**said key chain rechargeable device is a penlight device**". Holcomb et al, in the same problem solving area (extending battery life of a portable radio transmitter) teach of a special clip to include rechargeable batteries such as penlight cells {Holcomb et al, col. 1, lines 3-11}. Holcomb et al suggests that such a clip is desirable in that it can utilize different types of batteries {col. 1, lines 21-29}. Obviously, this feature is desirable in the system of Suyama et al because it can utilize different types of batteries. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use a special clip to include rechargeable batteries such as penlight cells in the system of

Suyama et al, as taught by Holcomb et al, because this allows the system of Suyama et al to utilize different types of battery cells.

11. Claims 1-7, 9-10, 15, 18, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,838,074 (Loeffler et al).

In claims 1, 18 and 22, Loeffler et al teach of a key chain rechargeable device (2), comprising:

key securing structure {col. 3, lines 7-12};
an electronic device associated with said key securing structure {figure 1b}; and
a rechargeable battery source to power said electronic device {col. 2, lines 13-14, lines 55-57; col. 7, lines 9-10};
wherein said key chain rechargeable device is adapted to be inductively recharged from an external power source when a key associated with said key securing structure is inserted in a lock device {col. 3, lines 7-15, lines 48-57; col. 5, lines 24-36}.

In claim 2, the key chain rechargeable device according to claim 1, wherein: said key securing structure is a dummy key hole {col. 3, lines 7-15}.

In claim 3, the key chain rechargeable device according to claim 1, further comprising: a charging circuit (1) in said electronic device, said charging circuit (1)

adapted for electrical contact with a key secured by said key securing structure {figure 1a}.

In claim 4, the key chain rechargeable device according to claim 3, wherein: said charging circuit is permanently associated with said key chain rechargeable device {col. 3, lines 7-15}.

In claim 5, the key chain rechargeable device according to claim 3, wherein: said charging circuit (1) is permanently associated with said lock {col. 3, lines 7-9}.

In claim 6, the key chain rechargeable device according to claim 1, wherein: said external power source is a vehicle's electrical system {col. 1, lines 46-57}.

In claim 7, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a wireless RF device {abstract}.

In claim 9, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a security alarm enable/disable device {col. 1, lines 28-55}.

In claim 10, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a keyless entry remote {col. 1, lines 6-17}.

In claim 15, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is recharged from said external power source only when said key associated with said securing structure is inserted in said lock device {col. 3, lines 7-15, lines 48-50}.

Claim 18 recites the limitations of claims 1, 6, 9-10, and 15, and therefore rejected for the same reasons.

Claim 19 recites a method of practicing the device of claims 1 and 15, and therefore rejected for the same reasons.

Examiner Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is 703-746-6071 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

March 30, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

